
1991 Wis Eth Bd 8
LOBBYING AND LOBBYISTS - PROHIBITED PRACTICES

The lobbying law prohibits a lobbyist from making a campaign contribution during a prohibited time period if it is from a personal campaign committee account over which the lobbyist exerts control or which acts at the direction or as an agent of the lobbyist. Eth. Bd. 682

July 2, 1991

Facts

[1] This opinion is based upon these understandings:

[a. An individual, formerly a legislator, now is a licensed lobbyist.

[b. The lobbyist retains a personal campaign committee account registered with the Elections Board that still has funds in it.

Question

[2] The State of Wisconsin Ethics Board understands your question to be:

Does the lobbying law impose any restrictions on the lobbyist making campaign contributions from the personal campaign committee account?

Discussion

[3] Section 13.625(1), *Wisconsin Statutes*, prohibits a lobbyist from making campaign contributions to candidates for, or holders of, partisan elective state office except between June 1 and the general election in even-numbered years, and if to a candidate for the legislature, only if the legislature is not in session.¹ That section of

¹ § 13.625(1), *Wisconsin Statutes*, provides, in relevant part:

13.625 Prohibited practices. (1) No lobbyist may:

(c) Except as permitted in this subsection, make a campaign contribution, as defined in s. 11.01 (6), to a partisan elective state official for the purpose of promoting the official's election to any national, state or local office, or to a candidate for a partisan elective state office to be filled at the general election or a special election, or the official's or candidate's personal campaign committee. A campaign contribution to a partisan elective state official or candidate for partisan elective state office or his or her personal campaign committee may be made in the year of a candidate's election between June 1 and the day of the general election, except that:

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the lobbying law prohibits a lobbyist from doing indirectly that which he or she is prohibited from doing directly. Any other view would exalt form over substance.

[4] Thus, §13.625 permits a lobbyist to transfer funds from a personal campaign committee account under his or her control to the campaign committee of a candidate for or holder of partisan elective state office only between June 1 and and the general election in even-numbered years, and if to a candidate for the legislature, only if the legislature is not in session. The statutes administered by the Ethics Board do not place a similar restraint on a lobbyist's transfer of campaign funds to a political committee if the recipient committee is not a personal campaign committee.

Advice

[5] The Ethics Board advises that a lobbyist may not make what would otherwise be a prohibited campaign contribution from a personal campaign committee account over which the lobbyist exerts control or which acts at the direction or as the agent of the lobbyist.

1. A campaign contribution to a candidate for legislative office may be made during that period only if the legislature concluded its final floorperiod, and is not in special or extraordinary session.

2. A campaign contribution by a lobbyist to the lobbyist's campaign for partisan elective state office may be made at any time.